IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3968 OF 2006

Harichand Pagaria .. Applicant
Versus
Inspector of Police & Anr. .. Respondents

Mr.S.U.Marwadi for applicant
Mr.Rajesh More, A.P.P. for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th November, 2006.

P.C.

. Heard Mr.Marwadi for applicant and A.P.P. for respondents. This is an application for transit bail.

2. The applicant apprehends arrest in connection with C.No.191 of 2006 registered with

Burra Bazar Police Station, Kolkata, for offences punishable under sections 120B, 406, 420, 467, 468 and 471 of I.P.C. The said police station, according to applicant, has commenced investigation and one Rajesh Shukla is arrested by first respondent herein. The applicant apprehends arrest as his name is shown at Serial No.2 (accused No.2).

3. All that Mr.Marwadi submits is that the applicant be given an opportunity to apply for pre-arrest bail in connection with the subject complaint and for enabling him to do so, this Court should grant temporary protection. Mr.Marwadi submits that in the facts and circumstances of this case and the nature of the transaction alleged being such, four weeks time be granted to the applicant to apply to the appropriate court for pre-arrest bail.

4. Learned A.P.P. points out that it would

be open for the applicant to make appropriate application before the Court at Kolkata and it is not necessary that a protection of such duration be granted. More so, when investigations have already been commenced by the concerned police station in Kolkata. In my view, in the peculiar facts of this case and to enable the applicant to apply for pre-arrest bail, it would be appropriate if an order is passed protecting applicant for a period of three weeks from today.

5. Accordingly, it is directed that the applicant not to be arrested for a period of three weeks in connection with C.No.191 of 2006 registered with Burra Bazar Police Station, Kolkata, to enable him to apply to the appropriate Court for pre-arrest bail. Needless to state that on expiry of the aforesaid period, this protection would come to an end automatically without reference to this Court. Application is disposed of.

(S.C.Dharmadhikari, J)